

**Maharashtra Municipal Corporations And Municipal Councils  
(Second Amendment) Act, 2006**

**49 of 2006**

**[29 December 2006]**

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PREAMBLE

An Act further to amend the Mumbai Municipal Corporation Act, the Bombay Provincial Municipal Corporation Act, 1949, the City of Nagpur Corporation Act, 1948 and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965.

WHEREAS both Houses of the State Legislature were not in session; AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950) and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006 (Mah. Ord. XII of 2006), on the 27th October 2006;

AND WHEREAS, it is expedient to replace the said Ordinance by an

Act of the State Legislature; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:-

**1. Short Title And Commencement :-**

(1) This Act may be called the Maharashtra Municipal Corporations and Municipal Councils (Second Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 27th October 2006.

**2. Amendment of section 5B of Bom. III of 1888 :-**

To section 5B of the Mumbai Municipal Corporation Act, the following provisos shall be added, namely:-

"Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination, paper,-

- (i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and
- (ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor."

**3. Amendment of section 5B of Bom. LIX of 1949 :-**

To section 5B of the Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the following provisos shall be added, namely:-

"Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,-

- (i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor."

#### **4. Amendment of section 9AA of C.P. and Berar II of 1950 :-**

To section 9AA of the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950), the following provisos shall be added, namely:-

"Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,-

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor."

#### **5. Amendment of section 9A of Mah. XL of 1965 :-**

To section 9A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), the following provisos shall be added, namely:-

"Provided that, a person who has applied to the Scrutiny Committee for the verification of his Caste Certificate before the date of filing the nomination paper but who has not received the validity certificate on the date of filing of the nomination paper shall submit, alongwith the nomination paper,-

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the validity certificate or any other proof for having made such application to the Scrutiny Committee; and

(ii) an undertaking that he shall submit, within a period of three

months from the date of his election, the validity certificate issued by the Scrutiny Committee:

Provided further that, if the person fails to produce the validity certificate within a period of three months from the date of his election, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor."

**6. Repeal of Mah. Ord. XII of 2006 and saving :-**

(1) The Maharashtra Municipal Corporations and Municipal Councils (Amendment) Ordinance, 2006 (Mah. Ord. XII of 2006), is hereby repealed.

(2) Notwithstanding any such repeal, anything done or any action taken under the Mumbai Municipal Corporation Act (Bom. III of 1888), the Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949), the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1948) and the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 (Mah. XL of 1965), as amended by the said Ordinance, shall be deemed to have been done or taken, as the case may be, under the relevant Act, as amended by this Act.